

**HONEY LAKE VALLEY  
RESOURCE CONSERVATION DISTRICT**

**PUBLIC NOTICE**

**Regular Meeting of the**

**WATER MASTER ADVISORY COMMITTEE (WAC)**

Attachments available 11/6/2023 at [honeylakevalleyrzd.us](http://honeylakevalleyrzd.us)

**Date: Thursday November, 09, 2023**

**Location: USDA Service Center, 170 Russell Avenue, Suite C, Susanville CA 96130**

**Time: 5:30 PM**

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT WAC MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED BELOW PRIOR TO THE MEETING.

**I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**

**II. APPROVAL OF AGENDA**

**III. PUBLIC COMMENT**

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. **Five (5) minutes** may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

**IV. ITEMS FOR BOARD ACTION**

**V. ITEMS FOR BOARD DISCUSSION AND/OR ACTION**

- A. Consideration and approval of amended rules and regulations (attachment)**
- B. Final reading and approval of Annual Usage Report (attachment)**

## **VI. REPORTS**

### **A. Watermaster Report**

- 1. Old Channel Update (Siemer, Clark)**
- 2. Willow Creek Update**

### **B. RCD Report – Langston**

## **VII. COMMITTEE MEMBERS' COMMENTS**

In accordance with Government Code Section 54954.2(a), committee members may make brief announcements or brief reports on their own activities. They may ask questions for clarification, make referral to staff or take action to have staff place a matter of business on a future agenda.

## **VIII. ADJOURNMENT**

The next regularly scheduled Honey Lake Valley RCD WAC meeting will be **Thursday, January 11th, 2024 at 5:30 pm** at the **USDA Service Center, 170 Russell Avenue, Suite C, Susanville CA 96130.**

I certify that on **November 6, 2023** I personally posted agendas as required by Government Code Section 54956 and any other applicable law.

Respectfully submitted,

Tonya Clark  
Watermaster

HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT  
SUSAN RIVER WATERMASTER  
RULES AND REGULATIONS

JANUARY 2016

Approved at January 27, 2016 RCD Board Meeting

Amended 2/2019, 2/2020, 6/2020, 11/2023



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**ARTICLE I**  
**GENERAL PROVISIONS**

1.0 Title. This document shall be known and may be referred to as the “Honey Lake Valley Resource Conservation District- Susan River Watermaster Rules and Regulations” adopted pursuant to the Order Granting Petition For Substitution Of Susan River Watermaster and Modifying Decree Case No. 4573.

1.1 Definitions. As used in these Rules and Regulations, these terms, including any grammatical variations thereof shall have the following meanings.

- (a) “Advisory Committee” means the Water Advisory Committee as set forth in ARTICLE III.
- (b) “CEQA” means the California Environmental Quality Act, Public Resources Code Sections 21000 et seq; 14 California Code of Regulations 15000 et seq.
- (c) “Complainant” means a party to the Judgment that files a Complaint pursuant to ARTICLE VI.
- (d) “Complaint” means an objection to an action, omission, or decision of the Watermaster filed pursuant to the provisions of ARTICLE VI.
- (e) “Court” means the court exercising continuing jurisdiction under the Judgment.
- (f) “Decisionmaker” means a body or committee designated by the Watermaster Board pursuant to these Rules and Regulations to consider and hear a Complaint.
- (g) “Deputy Watermaster” means the Person designated as such by the Watermaster Board pursuant to section 2.15
- (h) “Farm Bureau” means the Lassen County Farm Bureau, a California corporation.
- (i) “Judgment” means the Judgment filed April 18, 1940, in Lassen County Superior Court Decree Case No. 4573 as modified by the July 31, 2007 Order Granting Petition For Substitution Of Susan River Watermaster And Modifying Decree Case No. 4573.
- (j) “Person” means any individual, partnership, corporation, limited liability company, business trust, joint stock company, trust, unincorporated association, joint venture, governmental authority, water district and other entity of whatever nature including but not limited to the State of California and the Department of Water Resources.



(l) “Rules and Regulations” means these Honey Lake Valley Resource Conservation District, Susan River Watermaster Rules and Regulations as authorized pursuant to the Order Granting Petition For Substitution Of Susan River Watermaster and Modifying Decree Case No. 4573 and as they may be amended from time to time.

(m) “Service Area” means the Susan River Watermaster Service Area.

(n) “User Area” means a user area of the Service Area. The five User Areas are the Upper Susan River (Diversion 54 and above (i.e. Schedule 4 and Schedule 5 priority 1 and 2; Lassen Irrigation Company Lower Susan River (Diversion 55 and below (i.e. Schedule 5 priority 3), Baxter Creek, and Willow Creek.

(o) “Watermaster” means the Honey Lake Valley Resource Conservation District, including the Watermaster Board, all Decisionmakers and its agents, employees, and designees.

(p) “Watermaster Board” or “Board” means the Board of Directors of the Honey Lake Valley Resource Conservation District.

## 1.2 Rules of Construction.

(a) Unless the context clearly requires otherwise:

(i) The plural and singular forms include the other;

(ii) “Shall,” “will,” and “must” are each mandatory;

(iii) “may” is permissive;

(iv) “or” is not exclusive; and

(v) “includes” and “including” are not limiting.

(b) The masculine gender shall include the feminine and neuter genders and vice versa.

(c) Reference to any agreement, document, instrument, or report means such agreement, document, instrument or report as amended or modified and in effect from time to time in accordance with the terms thereof.

(d) Except as specifically provided herein, reference to any law, statute, ordinance, regulation or the like means such law as amended, modified, codified or reenacted, in whole or part and in effect from time to time, including any rules and regulations promulgated thereunder.

1.3 Consistency with Judgment. These Rules and Regulations shall be construed consistent with the Judgment. In the event of a conflict between these Rules and Regulations and the Judgment, the Judgment shall prevail.

1.4 Amendment of Rules. These Rules and Regulations may only be amended by the Watermaster Board.

1.5 Repeal of Existing Rules and Regulations. Watermaster’s existing Rules and Regulations, any Watermaster ordinance, resolution, policy or procedure in conflict with these Rules and Regulations and the prior by-laws of the Water Advisory Committee shall be repealed upon the adoption of these Watermaster Rules and Regulations.

## ARTICLE II

### ADMINISTRATION

2.0 Principal Office. The principal office of the Watermaster shall be the USDA Service Center, located at 170 Russell Avenue, Suite C , Susanville, California, 96130, or at such other location or locations as may be designated by Watermaster Resolution and filed with the Court.

2.1 Records. The minutes of Watermaster Board meetings shall be open to inspection and maintained at the principal office. Copies of minutes may be obtained upon payment of the duplication costs thereof. Copies of other records may be obtained on the payment of duplication costs thereof and pursuant to Watermaster policy and any applicable law.

2.2 Regular Meetings. Regular meetings shall be held at the principal office of the Watermaster pursuant to Watermaster policy at such time(s) as may be contained in the necessary notice(s) thereof. The Watermaster Board shall ensure all regular meetings are conducted in accordance with the applicable provisions of the Ralph M. Brown Act (“Brown Act” Gov. Code, §§ 54950 *et seq.*)

2.3 Special Meetings. Special meetings may be called at any time by a majority of the Watermaster Board by delivering notice thereof at least twenty-four (24) hours before the time of such meeting. The Watermaster Board shall ensure all regular meetings are conducted in accordance with the applicable provisions of the Brown Act.

2.4 Adjournment. Any meeting may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time or time. A copy of the order or notice of adjournment shall be conspicuously posted forthwith on or near the door of the place where the meeting was held.

2.5 Public Meetings/Hearings. All meetings, whether regular or special, shall be open to the public unless they are properly designated as a confidential session. Whenever a public hearing shall be required therein, written notice of such public hearing containing the time, date and place of the public hearing, together with the matter to be heard, shall be given to all parties to the Judgment and any person who requested, in writing, notice of such meeting, at least ten (10) days prior to the public hearing. At the public hearing, evidence shall be taken with regard to only the matters noticed, unless a sufficient urgency shall exist to the contrary, and full findings and decisions shall be issued and made available for public inspection. Notwithstanding this section, the provisions of ARTICLE VI shall control when applicable.

2.6 Confidential Sessions. The Watermaster Board may hold confidential sessions when authorized by and in compliance with the Brown Act. Minutes shall not be taken for confidential

sessions of the Watermaster Board, but a confidential memorandum shall be prepared to describe attendance and votes on decisions.

2.7 Notices. Notices shall be given in writing to all parties to the Judgment and each such person who has requested notice in writing, and shall specify the time and place of the meeting and the business to be transacted at the meeting. Notice may be provided by either facsimile or electronic mail delivery if the party so consents to such delivery. Delivery of notice shall be deemed made on the date personally given or within forty-eight (48) hours of deposit thereof in the United States mail, first class, postage prepaid, addressed to the designee and at the address in the last designation filed by such person. Watermaster will maintain a current list of the names and addresses of all parties to the Judgment.

2.8 Quorum. A majority of the Watermaster Board acting as the Watermaster shall constitute a quorum for the transaction of the affairs or business.

2.9 Voting Procedures. Only action by affirmative vote of a majority of the members of the Watermaster Board present and acting as Watermaster shall be effective. All actions may be adopted by a voice vote, but upon demand of any member of the Board acting as the Watermaster, the roll shall be called and the ayes and noes recorded in the minutes of the proceedings. Every member of the Board acting as Watermaster in attendance, unless disqualified by reason of an opinion of the Watermaster counsel that the member of the Board has a conflict of interest, shall be required to vote.

2.10 Conflict of Interest. Watermaster is an interest-based governing structure in which various interests must be represented in decision-making. It is expected and preferred that each interest be allowed to participate in Watermaster decisions except as provided in this Rules and Regulations. Each member of the Watermaster Board or any Decisionmaker shall vote on matters before the Board or any Decisionmaker unless that member has a conflict of interest pursuant to this Rule or applicable law. No member of the Watermaster Board or any Decisionmaker may vote, participate in meetings or hearings pertaining to, or otherwise use his or her position to influence a Watermaster decision in which he knows or has reason to know he has both a direct personal and financial interest.

(a) Subject to the qualification provided for in section 2.10(b) herein, a member of the Watermaster Board or any Decisionmaker is deemed to have a direct personal and financial interest in a decision where it is reasonably foreseeable that the decision will have a material effect on the Watermaster member, members of his or her immediate family, or the Watermaster member's other business, property, and commercial interests.

(b) To be classified as a direct personal and financial interest, the particular matter must be distinguishable from matters of general interest to the public or party to the Judgment, which the Watermaster member has been appointed to represent on the Watermaster Board or any Decisionmaker. The member must stand to personally gain discrete and particular advantage from the outcome of the decision beyond that generally realized by any other person or the interests he or she represents. Moreover, Watermaster representatives are expressly intended to act in a representative capacity for their constituents. A member of the Watermaster Board or any Decisionmaker shall not be considered to have a discrete and particular financial advantage

unless a decision may result in their obtaining a financial benefit that is not enjoyed by any other person. In those instances where the member of the Board or any Decisionmaker shall not be considered to have a discrete and particular financial advantage unless a decision may result in their obtaining a financial benefit that it not enjoyed by any other person. In those instances where the Board member or Decisionmaker member does have a designated alternate and the Board or Decisionmaker member with the identified conflict of interest may address the Board or Decisionmaker or participate in the hearing or meeting as a party to the Judgment.

(c) This section 2.10 does not purport to authorize or permit any person to participate in any meeting or hearing where doing so would violate applicable law.

2.11 Minutes. The secretary of the Watermaster Board or designee shall cause the preparation and subscription of the minutes of each meeting and make available a copy thereof to all parties to the judgment and each person who has filed a request for copies of all minutes or notices in writing in accordance with applicable law. The minutes shall constitute notice of all actions therein reported. Unless a reading of the minutes is ordered by a majority of the members of the Board acting as the Watermaster, minutes may be approved without reading.

2.12 Rules of Order. Except as provided herein, the procedures of the conduct of any meeting shall be governed by the latest revised edition of Roberts' Rules of Order. Strict compliance with such rules is not required as they are intended to be a guide for the conduct of any meeting. Failure to strictly comply with these rules shall not affect the jurisdiction or invalidate any action taken at a meeting that is otherwise in conformity with these Rules and Regulations and applicable law.

2.13 Compensation. Members of the Watermaster Board or any Decision maker shall not receive any stipend, compensation, payment, or reimbursement of any type for attendance at meetings, regular or special, or for mileage to attend meetings, regular or special.

2.14 Employment of Experts and Agents. Watermaster may employ or retain such administrative, engineering, geologic, accounting, legal or other specialized personnel or consultants as it may deem appropriate and shall require appropriate bonds from all officers and consultants handling Watermaster funds. Watermaster may maintain records for purposes of allocating costs as may be necessary or advisable. No member of any Decisionmaker may be employed or compensated by Watermaster may be employed or compensated by Watermaster for professional or other services rendered to such committee or to Watermaster other than provided in section 2.13 above.

2.15 Appointment of Deputy Watermaster. Pursuant to Water Code section 4002 and the Judgment, the Watermaster Board may employ or retain an employee, consultant or other person as a Deputy Watermaster. The Deputy Watermaster may exercise any duty or authority vested in the Watermaster as authorized by the Watermaster Board and permitted by the Judgment and applicable law. Upon the appointment of a Deputy Watermaster, the Watermaster Board shall file a notice of such appointment with the Court as required by the Judgment. The Deputy Watermaster shall serve at the pleasure of the Watermaster Board.

2.16 Investment of Funds. Watermaster Board may hold and invest all Watermaster funds in investments authorized from time to time for public agencies of the State of California, taking into account the need to increase the earning power of such funds and to safeguard the integrity thereof.

2.17 Borrowing. Watermaster may borrow from time to time, amounts not to exceed the annual anticipated receipts of Watermaster during such year.

2.18 Contracts. Watermaster may enter into contracts and agreements for the performance of any of its powers pursuant to the Judgment.

2.19 Cooperation with Other Agencies. Watermaster may act jointly or cooperate with agencies of the United States of America, and the State of California or any political subdivisions, municipalities, districts or any person to the end that the purpose of Judgment may be fully and economically carried out.

2.20 Annual Administrative Budget. Watermaster shall prepare and adopt an annual administrative budget pursuant to the procedures set forth in ARTICLE V.

2.21 Annual Report. Watermaster shall prepare and lodge with the Court by January 1st of each year an annual report of its activities for the prior fiscal year.

2.22 Studies. Watermaster may undertake relevant studies of hydrological conditions, both quantitative and qualitative, and operating aspects of the implementation of the Judgment.

2.23 Demonstrated CEQA Compliance. Watermaster shall not approve any request made under the Judgment or these Rules and Regulations where the proposed action also constitutes a “project” within the meaning of CEQA unless the Watermaster finds that the person requesting Watermaster approval has demonstrated CEQA compliance.

2.24 Notice of Litigation. Watermaster shall provide reasonable notice to the parties to the Judgment of any existing litigation affecting the Watermaster or that challenges the legality, validity, or enforceability of the Judgment, the Rules and Regulations, or any decision of the Watermaster made pursuant to these Rules and Regulations.

2.25 Defense of Judgment. Watermaster shall reasonably defend the Judgment, these Rules and Regulation and any decision of the Watermaster made pursuant to these Rules and Regulations against challenges brought by any person who is not a party to the Judgment. Costs incurred by the Watermaster in defending such actions shall be considered a Watermaster general administrative expense. However, the State of California shall not be obligated to reimburse the Watermaster for any legal or administrative costs incurred in such defense.

2.26 Written Reports. All reports required to be provided by Watermaster under these Rules and Regulations shall be provided in written form unless the context requires otherwise.

2.27 Interventions. Watermaster will receive and make recommendations regarding petitions for intervention and accumulate them for filing with the Court from time to time.

## ARTICLE III

### WATER ADVISORY COMMITTEE

3.0 Purpose. The purpose of this Article is to prescribe the terms and conditions by which the business and affairs of the Advisory Committee shall be managed.

3.1 Creation. The Advisory Committee shall be a standing committee of the Watermaster charged with assisting the Watermaster Board in enforcing the Judgment as set forth in these Rules and Regulations.

3.2 Members. The membership of the Advisory Committee shall consist of seven (7) members as follows:

(a) Five (5) members to be appointed by a majority vote of the Watermaster Board with input from the water users for their respective User Areas. **While preference will be given to have one (1) representative per User Area, the Watermaster Board may appoint users from any User Area to fill a vacant position.** ~~Each of these members shall be appointed from and represent a User Area;~~

(b) One (1) member of the Watermaster Board appointed by a majority vote of the Board; and

(c) One (1) member appointed by the Farm Bureau appointed by a majority vote of the Board.

(d) To be considered for WAC membership an application, form E-W3, for appointment or re-appointment must be completed and submitted to the Watermaster Board.

3.3 Term of Office. Members of the Advisory Committee appointed pursuant to section 3.2(a) shall serve four (4) year terms. All other members may be removed from office by their appointing authority at any time for any or no reason.

3.4 Officers. The members of the Advisory Committee shall elect a Chairperson and Vice-Chairperson annually at their first meeting one or after January 1st of each year. No member shall hold office of Chairperson or Vice-Chairperson for more than two (2) consecutive years. The Chairperson or Vice-Chairperson may be removed from office and relieved of duties by a majority vote of the membership of the Advisory Committee.

3.5 Regular Meetings. The Advisory Committee shall meet monthly during irrigation season for the first year on the second Thursday of each month. After the first year the Chairperson shall call a meeting as needed. The time and location of such meetings shall be determined by the Advisory Committee.

3.6 Special Meetings. The Chairperson or a majority of the members of the Advisory Committee may call a special meeting of the Advisory Committee as necessary to conduct Advisory Committee business.

3.7 Conduct of Meetings. The Advisory Committee shall notice, conduct, and hold regular and special meetings in the same manner and pursuant to the same procedures as the Watermaster Board as set forth in ARTICLE II, except as expressly modified by this Article.

3.8 Powers. The Advisory Committee shall have the following powers:

- (a) Assist the Watermaster Board in evaluating the performance of Watermaster staff as requested by the Board;
- (b) Assist the Watermaster Board in preparing the annual report pursuant to section 2.21;
- (c) Assist the Watermaster Board in preparing the annual budget and statement pursuant to sections 5.1 and 5.2; and
- (d) Assist the Watermaster Board as otherwise requested.

## **ARTICLE IV**

### **MONITORING**

4.0 Scope. Watermaster may implement and conduct monitoring programs and activities as necessary to enforce the Judgment and these Rules and Regulations.

4.1 Waterflow Measuring Devices. Watermaster may utilize staff gauges and electronic gauging stations previously installed by the Department of Water Resources within the Service Area in furtherance of its monitoring activities.

4.2 Additional Devices. Watermaster may direct, install or construct additional monitoring devices within the Service Area as necessary to administer and enforce the Judgment and these Rules and Regulations. Pursuant to applicable law, the Watermaster may require any owner of any reservoir in the Service Area to construct and maintain monitoring devices above and below the reservoir. The failure of any owner of any reservoir in the Service Area to comply with this section may result in the Watermaster opening the outlet of such reservoir pursuant to the applicable provisions of Water Code section 4126.

## **ARTICLE V**

### **BUDGET, APPORTIONMENT AND COLLECTION**

5.0 Scope. This Article sets forth the Watermaster's rules and procedures for adopting an annual budget and apportioning the budgeted amount among the applicable water right holders within the Service Area.

5.1 Budget. Before June 1st of each year, the Watermaster shall prepare and adopt a proposed budget showing the amount of money estimated to be necessary to pay the costs of enforcing and administering the Judgment and these Rules and Regulations. This budget shall include the following:





- (a) The proposed distribution of water among the applicable water rights holders;
- (b) Expenses incurred in furtherance of its activities under the Judgment and these Rules and Regulations for which funds were not available;
- (c) The cost of preparing the annual report pursuant to section 2.21.
- (d) A reasonable estimate for contingencies or to establish a working capital reserve, if necessary; and
- (e) Any other anticipated costs of administering and enforcing the Judgment and these Rules and Regulations.

5.2 Statement. In conjunction with the proposed annual budget, the Watermaster shall prepare and adopt an annual statement apportioning the amount of the budget among the applicable water rights holders. The proposed apportionment shall comply with the Judgment and applicable law, including, but not limited to, Water Code sections 4251 to 4254.

5.3 Service and Filing. The proposed budget and statement shall be served by mail on the water rights holders within the Service Area and filed with the Court before June 15th of each year.

5.4 Objections. Any objections to the budget or apportionment must be filed with the Court within fifteen (15) days of service by mail on the water rights holders. Failing to object within the time set forth in this section shall waive the ability to do so. The time to object or otherwise respond shall not be extended by the provisions of Code of Civil Procedure section 1013. Objections to the apportionment shall be:

- (a) Limited to whether the proposed apportionment is consistent with the Judgment and the methodology set forth in Water Code sections 4251 to 4254; and
- (b) Set for hearing before the Court in the manner provided for a noticed motion with notice to be given to the Watermaster and to each water right holder who be affected in any manner by the objection.

5.5 Hearing.

- (a) In the event no timely objection is lodged, the budget and statement shall be deemed approved by the Court without further hearing.
- (b) To ensure the Watermaster is able to timely certify apportionments pursuant to section 5.6, any objections to the proposed budget or apportionment shall be heard and decided by the Court by August 10th. If an objection is not heard and decided by August 10th, the current fiscal year budget and apportionment shall be unaffected and the results of the objection, if any, shall be reflected in the next fiscal year budget and apportionment.

5.6 Certification and Collection. The Watermaster Board shall, on or before August 15th of each year, certify to the Lassen County Auditor and the Lassen County Board of Supervisors the

amount required in order to pay the apportionment for the ensuing fiscal year, to be levied on the land used in storage or diversion, conveyance or distribution of water stored or diverted under the right and the land on which the water is, or is entitled to be used. Levies shall be collected on the regular property tax bills of all affected water rights holders.

## ARTICLE VI

### DISPUTE PROCEDURES

6.0 Purpose. This Article sets for the general Watermaster rules and procedures for administratively adjudicating requests, disputes, and complaints arising from any action, omission, or decision of the Watermaster, excepting those arising under ARTICLE V. It is the Policy of the Watermaster Board that every dispute results in the appropriate response consistent with the relative significance of each complaint to ensure the most efficient and effective use of available resources.

6.1 Complaint. If a water user is unable to resolve an issue with the Deputy Watermaster, then that water user may file a Complaint objecting to or otherwise disputing the action, omission, or decision of the Deputy Watermaster regarding the implementation of water distribution and reporting of the Judgment or such in administration of the Service Area within thirty (30) days of the action, omission, or decision. Complainant shall provide to the Watermaster Board, on a form prepared by the Watermaster Board (E5100), the following information:

- (a) The disputed action, omission, or decision of Watermaster staff, agent or designee, including, but not limited to, the Deputy Watermaster;
- (b) The grounds or basis for the Complaint, including copies of any reports, charts, maps, and other documentation; and
- (c) The Complainant's requested relief.

Go to [www.honeylakevalleyrcd.us](http://www.honeylakevalleyrcd.us) to view and/or download Form E5100

6.2 Copy of Dispute Procedures. Upon receipt of the Complaint, the Watermaster shall provide the Complainant with an electronic email notice of the Watermaster's dispute procedures as set forth in this Article. If Complainant is unable to receive electronic delivery, then notice shall be sent via USPS, in writing to the Complainant within five (5) days of the receipt of Complaint.

6.3 Dispute Resolution. Upon the Watermaster Board's receipt and review of a Complaint, on a Water Rights Dispute/Complaint Form E5100, it will be; (1) Dismissed without further action and an explanation will be sent to the complainant via USPS return receipt, or (2) Forwarded to the WAC Board Chairperson to be considered by the WAC, at a public hearing, within ten (10) business days from the date the complete Water Rights Dispute/Complaint Form E5100 was received.

- (a) If another water rights holder, by name or point of diversion, is identified by Complainant on Water Rights Dispute/Complaint Form E5100, shall be notified by the Watermaster via an electronic email of the complaint. The Watermaster shall include with the notice a copy of the complaint (Water Rights Dispute/Complaint Form E5100), Watermaster's

dispute procedure as set forth in this article and the date-time-place of the WAC public hearing and of the Watermaster Board if applicable. If unable to receive electronic delivery, the notice shall be sent via USPS.

(b) The final decision by the WAC at the public hearing will be delivered as an electronic email to the Complainant and any other water right holder identified by name or point of diversion on Complainants Water Rights Dispute/Complaint Form E5100. If the Complainant or water rights holder is unable to receive electronic delivery, then the notice shall be sent via USPS, in writing to the Complainant.

(c) If the Complainant is not satisfied with the WAC decision and wishes to proceed with the process, he or she shall file a written notice of appeal with the Watermaster within seven (7) days of receipt of the WAC decision.

6.4 Watermaster Board. On receipt of a notice of appeal regarding a WAC decision, the Watermaster Board shall schedule a public hearing regarding the matter. The public hearing shall be conducted during a regular meeting or a special meeting called for that purpose. In no event shall the Watermaster Board commence the public hearing regarding the appeal more than ninety (90) days from the date of the notice of appeal. The Watermaster shall provide the Complainant with at least five (5) days prior notice via electronic email or registered mail, of the date, time, and location of the hearing. The Watermaster Board may continue the public hearing from time to time, including, but not limited to, continuing the hearing for a reasonable time to obtain a legal or technical opinion. At the conclusion of the public hearing, the Watermaster Board shall consider and decide the Complaint. The decision of the Watermaster Board shall be considered the Watermaster's final decision regarding the Complaint. The Complainant may appeal this decision to the Court within thirty (30) days of the Watermaster Board's decision.

6.5 Failure to Appeal. Any Complainant that fails to appeal any decision of the Watermaster within the applicable deadlines as set forth in this Article shall be deemed to have waived its right to do so.

6.6 Conduct of Hearings. Any public hearing regarding a Complaint shall be conducted pursuant to the following procedures:

(a) Watermaster staff shall first present evidence of the basis for the Watermaster's decision. Upon the conclusion of the Watermaster staff's presentation, the Complainant shall then have the opportunity to present evidence supporting the modification or reversal of the Watermaster's decision.

(b) The Complainant or Watermaster staff may present witnesses, documents, and exhibits. The Watermaster Board or Decisionmaker shall not be bound by formal rules of evidence and will control the hearing, reserving the power to exclude testimony or exhibits deemed irrelevant.

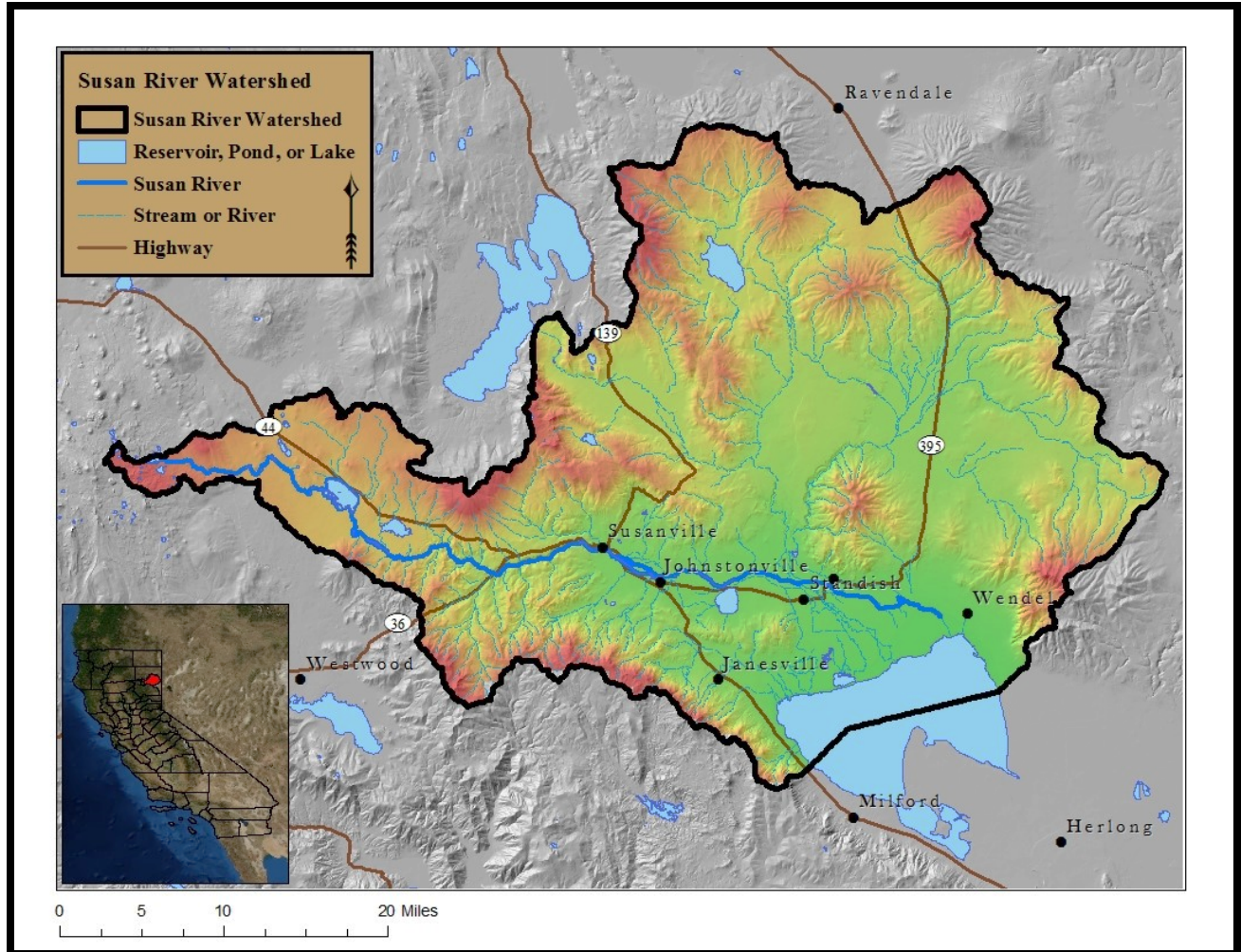
(c) Any other water rights holder noticed according to 6.3(a) may present evidence, witnesses, documents, and exhibits to support or oppose the Watermaster's decision or to verify or refute the complaint at any public hearing of the WAC or Watermaster Board they are a party too.

(d) The Watermaster Board or Decisionmaker shall ensure that an adequate and appropriate record of the hearing is kept. Any party, at that party's sole expense, may have a court reporter present at the hearing.

(e) At the conclusion of the hearing, the Watermaster Board or Decisionmaker may uphold, modify, or reverse the Watermaster's decision.

6.7 Notice. Any notice provided to a Complainant pursuant to this Article shall be provided in accordance with section 2.7.

rules and regs – NOVEMBER 2015 – approved at November 18, 2015 meeting – Reso 2015-06



# Susan River

## Watermaster Service Area

### Annual Use Report- 2022/2023

Fiscal Year: July 1, 2022 - June 30, 2023

Irrigation Season: March 1, 2023 - October 31, 2023

Storage Season: November 1, 2023 - February 29, 2024

Lassen County, California

Decree No.'s 4573, 8174 and 8175

Submitted by December 31, 2023 to

The Presiding Judge, Lassen County Superior Court



Prepared By:

*Honey Lake Valley Resource Conservation District*  
170 Russell Ave.  
Susanville, CA 96130

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## General Description

The Susan River service area is located in the southern part of Lassen County in the vicinity of the town of Susanville. There are approximately 246 water right owners in the service area with total continuous allotments of 351.922 cubic feet per second in addition to storage rights held by several users. The source of supply consists of three stream systems as follows: Susan River, Baxter Creek, Parker Creek and their associated tributaries.

Susan River has its sources on the east slope of the Sierra Nevada Mountains in the southwesterly portion of Lassen County immediately east of Lassen National Park at an elevation of about 7,900 feet. Its channel runs easterly from Silver Lake through McCoy Flat Reservoir, through Susanville, and easterly on to Honey Lake.

Susan River has four major tributaries: Paiute Creek (entering from the north at Susanville), Gold Run and Lassen Creeks (entering from the south between Susanville and Johnstonville), and Willow Creek (entering from the north above Standish). Gold Run Creek and Lassen Creek rise on the north slope of Diamond Mountain at an elevation of about 7,600 feet. The watersheds of Paiute Creek and Willow Creek are lower and they rise on the south slopes of Round Valley Mountains.

A short distance below the confluence of Willow Creek and Susan River the river channel divides into three branches known as Tanner Slough Channel on the north, Old Channel in the middle, and Dill Slough Channel on the south. Two channels which take off Dill Slough on the south are known as Hartson Slough and Whitehead Slough.

The Baxter Creek stream system is situated in Honey Lake Valley on the east slope of the Sierra Nevada about 10 miles southeast of Susanville in the southern portion of Lassen County. The principal streams in the Baxter Creek stream system are Baxter Creek (which rises in the extreme western portion of the basin and flows in an easterly direction), Elysian Creek, Sloss Creek, and Bankhead Creek (a tributary to Baxter Creek from the south). Elysian Creek has three tributaries: North Fork Elysian Creek, South Fork Elysian Creek, and Kanavel Creek.

Parker Creek is situated in Honey Lake Valley on the east slope of the Sierra Nevada about 15 miles southeast of Susanville in the southern portion of Lassen County. Its source is on the east slope of Diamond Mountain and flows in an easterly direction for about 5 miles into Honey Lake. The primary area of water use in the Susan River service area is in Honey Lake Valley between Susanville and the northwest shore of Honey Lake, 25 miles in length. The valley floor is at an elevation of about 4,000 feet.

## Water Supply

The water supply in the Susan River service area comes from two major sources: snowmelt runoff and springs. The snowpack on the Willow Creek Valley and Paiute Creek watersheds, which embrace more than half of the Susan River stream system, melts early in the spring and usually is entirely depleted by the first of May. The irrigation requirements from this portion of the stream system after the first of May are almost entirely dependent upon the flow of perennial springs which remain constant throughout the year. Under normal conditions, the flows of Lassen Creek, Gold Run Creek, Baxter Creek, Parker Creek, and the Susan River above Susanville are well sustained by melting snows until early June. The flow from perennial springs in this portion of the water system is comparatively small. The Lassen Irrigation Company stores supplemental water in Hog Flat Reservoir and McCoy Flat Reservoir, located on the headwaters of the Susan River. This stored water is released into the Susan River, which is used as a conveyance and commingled with the natural flow usually during June and July. It is then diverted into the A and B Canal leading to Lake Leavitt for further distribution by the irrigation district.

## Precipitation Outlook for 2023-2024

The National Ocean and Atmospheric Administration (NOAA) has predicted as of September 21 2023 there is an equal chance of above average precipitation this fall with a 95 % chance occurring late fall November -December and January in the Susan River through January 2024. With this information, there is confidence that the Honey Lake Valley can look forward to another year with adequate precipitation.

## Methods of Distribution:

Irrigation in the Susan River service area is accomplished by placing diversion dams in the main channel of the stream system, to raise the water to the level required to divert into the canals, sloughs and ditches. These dams for diversion are relatively large on the Susan River compared to those on the smaller tributaries. Various methods of irrigation are practiced; the most common approach is by flooding. With this technique, water is transported by a main conveyance channel along the high point of the lands to be irrigated. It is then dispersed by laterals along the higher ridges of the tract from which it can be distributed over the area to be irrigated by the smaller laterals of the ditch system. Sub-irrigation occurs in some areas incidental to surface irrigation or because of seepage from ditches or creek channels. During the past several years, numerous users have increased the usage of sprinkler irrigation by wheel lines to improve the efficiency of their irrigation systems.

## Watermaster Service Fiscal Information:

The Fiscal Year 2022/2023 Watermaster Service Budget was adopted on May 27<sup>th</sup>, 2022 in the amount of \$274,162,00.00. The Fiscal Year 2023/2024 Watermaster Service budget was adopted on June 22<sup>nd</sup>, 2023 in the amount of \$290,350.51. FY 22/23 and 23/24 Budgets saw an increase from the FY 2021/2022 assessment of \$225,000. This increase was to cover three active water right litigation cases. The required notification regarding the budget, apportionment, and individual assessments were mailed to the users and filed with the Lassen County Superior Court before June 15, 2022. There were no filed objections to the budget or apportionment within 15 days or thereafter; and thus, deemed approved by the Court without further hearing. The approved budget, apportionment, and individual assessments were certified to the Lassen County Auditor and the Lassen County Board of Supervisors prior to August 10, 2022.

## 2022/2023 Water Allocation and Distribution:

The Susan River Watermaster Service Area experienced high precipitation compared to the area's average. Based on California Cooperative Snow Surveys for the Northern California

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2022/2023

area, October 2022 through September 2023, the area held at its peak over 100% of the average annual snow water content of April 1<sup>st</sup>, the date of highest average annual snowpack depth. The general availability of water for the various stream systems are described below.

**Lassen Creek:** No Data Available

**Hills Creek:** Recent fires have improved waterflow. Hills Creek has a prorated supply throughout the year.

**Gold Run Creek:** Water was available in prorated amounts for irrigation until August where it ceased temporarily. Prorate flows returned by September.

**Upper Susan River:** Flows for the Upper Susan met the full requirements of the Schedule 5, 2nd priority water right allotments up until early May. Stock water was available to most users through the irrigation season.

**Lower Susan River Below the Confluence of Willow Creek:** The Lower Susan had irrigation water for Schedule 3, 3<sup>rd</sup> priority users until late April and was nearly sufficient for Schedule 3, 2<sup>nd</sup> priority users until mid-late May. Stock water was available to most users until mid-June. Past this point, only users upstream were able to exercise stock watering rights.

**Willow Creek:** Prorated allocations were available through late May. Flows were sufficient for regular stock watering of the second priority until late June. Conveyance of stock water to downstream users developed issues from June to September.

**Bankhead/Sloss Creek:** No data available.

**Lassen Irrigation Company Storage Reservoirs:** LIC began diverting water from McCoy Flat on June 1st, 2023.

## Miscellaneous Notable Events:

1. Kelsey Siemer was welcomed as the new District Manager in July 2023. She brings with her an extensive background in conservation and agriculture accompanied by degrees in Animal Science and Creative Writing.
2. Tonya Clark started as the new Deputy Watermaster August 21, 2023. Tonya has an extensive background in ranching, farming, and irrigating.
3. The Old Channel Realignment and Piping Project is moving forward with a proposed groundbreaking date of 11/15/2023.
4. The new vehicle purchased in the last fiscal year is being utilized by the Watermaster.
5. The water rights litigation initiated in 2022 was resolved and affirmatively decided in the Appellate Courts in favor of the HLV RCD.

## Appendices A-C

Numerical values are in cubic feet per second (cfs)  
A blank space or "0" indicates no reading.

## Appendix A: Department of Water Resources, Digital Gauge Data

FLOW OF SUSAN RIVER at SUSANVILLE (SSU) ( $\frac{ft^3 s^{-1}}{CFS}$ )

Day	March	April	May	June	July	August	September
1	106	250	801	364	56	72	66
2	113	327	690	393	52	72	76
3	96	294	590	282	58	71	79
4	98	294	535	232	60	71	75
5	93	252	548	229	57	71	69
6	93	280	499	231	54	71	66
7	93	367	442	257	52	70	65
8	93	433	419	230	51	69	64
9	91	551	391	203	71	69	63
10	211	800	394	178	90	68	63
11	204	1106	398	189	89	68	61
12	206	970	468	169	87	67	62
13	498	758	561	166	86	66	62
14	796	637	638	165	85	66	62
15	844	624	740	144	84	66	40
16	519	683	816	131	83	65	40
17	425	668	840	120	82	66	26
18	387	585	818	112	81	66	25
19	382	477	867	105	80	69	24
20	392	456	820	103	80	69	23
21	360	533	864	94	79	73	22
22	314	641	824	88	79	73	21
23	314	747	700	83	77	69	21
24	299	772	704	79	73	67	21
25	268	747	706	74	73	65	20
26	248	718	649	71	73	64	20
27	238	768	604	77	72	63	21
28	243	833	590	70	72	63	21
29	222	893	524	64	71	62	21
30	211	889	441	59	71	62	29
31	218		415		72	62	

Note: These daily values were averaged from the gauge's 'Real Time' 15-minute interval data. Throughout the beginning of the season, the River commonly had dramatic increases and decreases in flow, in the span of 8-48 hours. Because of this, some of the above daily averages may be skewed. Values measured in CFS for the irrigation season from March 1<sup>st</sup>, 2023 to October 31<sup>st</sup>, 2023.

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FLOW OF SUSAN RIVER at the CONFLUENCE of WILLOW CREEK (SSD) ( $ft^3 s^{-1}/CFS$ )

Day	March	April	May	June	July	August	September	October
1	0	24	29	30	27	12	9	12
2	0	37	36	37	26	11	13	13
3	0	25	22	67	23	11	16	12
4	22	29	31	82	22	10	15	12
5	28	22	33	81	19	9	10	12
6	23	26	39	79	19	9	8	12
7	29	43	42	39	19	11	7	12
8	28	24	31	77	23	11	8	12
9	28	20	24	80	16	10	11	12
10	27	24	20	74	22	6	11	12
11	22	31	23	75	22	4	11	12
12	32	27	23	78	19	4	11	12
13	34	19	27	72	16	4	10	12
14	35	20	28	75	15	4	6	12
15	24	20	25	63	14	4	6	12
16	20	24	24	60	12	3	9	12
17	25	26	26	55	12	4	10	11
18	23	30	26	47	11	5	11	11
19	30	23	25	41	12	5	11	11
20	23	25	17	34	9	6	11	11
21	20	34	21	31	8	7	10	11
22	21	24	27	31	8	8	10	11
23	31	26	31	29	12	7	8	11
24	33	25	28	41	12	7	9	11
25	28	25	37	23	10	5	9	11
26	22	24	33	23	10	7	9	7
27	27	24	27	24	9	8	10	6
28	22	23	26	26	10	8	9	6
29	25	25	21	25	10	7	11	7
30	22	25	28	26	10	8	16	7
31	25		25		11	9		7

Note: These daily values were averaged from the gauge's 'Real Time' 15-minute interval data.  
 Values measured in CFS for the irrigation season from March 1<sup>st</sup>, 2023 to October 31<sup>st</sup>, 2023.



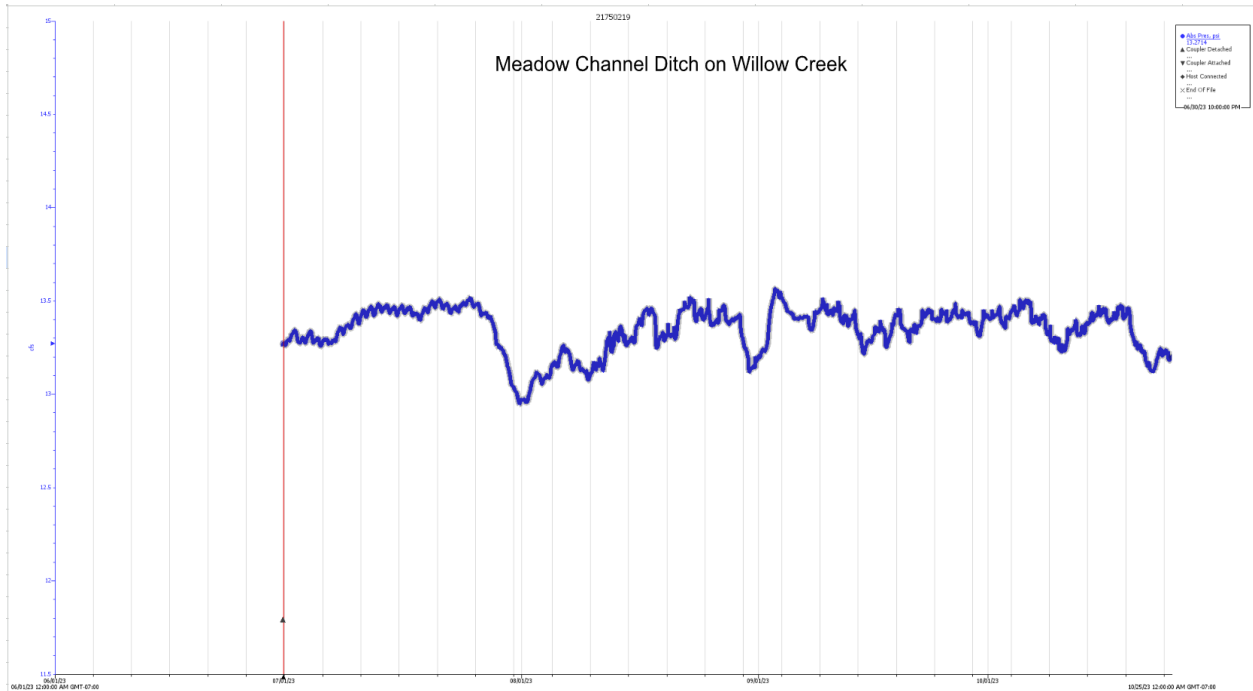
Susan River Watermaster Service Area - Annual Use Report  
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FLOW OF WILLOW CREEK at the CONFLUENCE of the SUSAN RIVER (WCD) ( $ft^3 s^{-1}/CFS$ )

Day	March	April	May	June	July	August	September	October
1	49	0	0	0	14	8	8	14
2	44	0	0	0	13	8	10	14
3	47	0	0	0	13	8	12	13
4	60	0	0	0	13	9	10	13
5	62	0	0	0	12	8	9	13
6	57	0	0	0	12	8	8	13
7	53	0	0	0	13	7	8	13
8	57	0	0	0	14	7	8	13
9	61	0	0	12	11	7	9	14
10	31	0	0	91	12	7	9	14
11	0	0	0	84	12	7	9	14
12	0	0	0	83	12	7	10	14
13	0	0	0	64	11	7	10	14
14	0	0	0	66	11	7	9	14
15	0	0	0	45	10	7	9	15
16	0	0	0	36	10	7	9	14
17	0	0	0	27	8	7	9	12
18	0	0	0	20	8	7	11	8
19	0	0	0	17	8	7	11	9
20	0	0	0	16	8	7	11	9
21	0	0	0	14	8	8	11	9
22	0	0	0	14	8	8	11	9
23	0	0	0	15	9	8	11	9
24	0	0	0	22	9	8	11	9
25	0	0	0	14	8	7	11	9
26	0	0	0	17	9	7	11	9
27	0	0	0	15	9	7	11	8
28	0	0	0	14	9	7	11	9
29	0	0	0	14	8	7	12	9
30	0	0	0	13	8	8	14	9
31	0		0		8	7		9

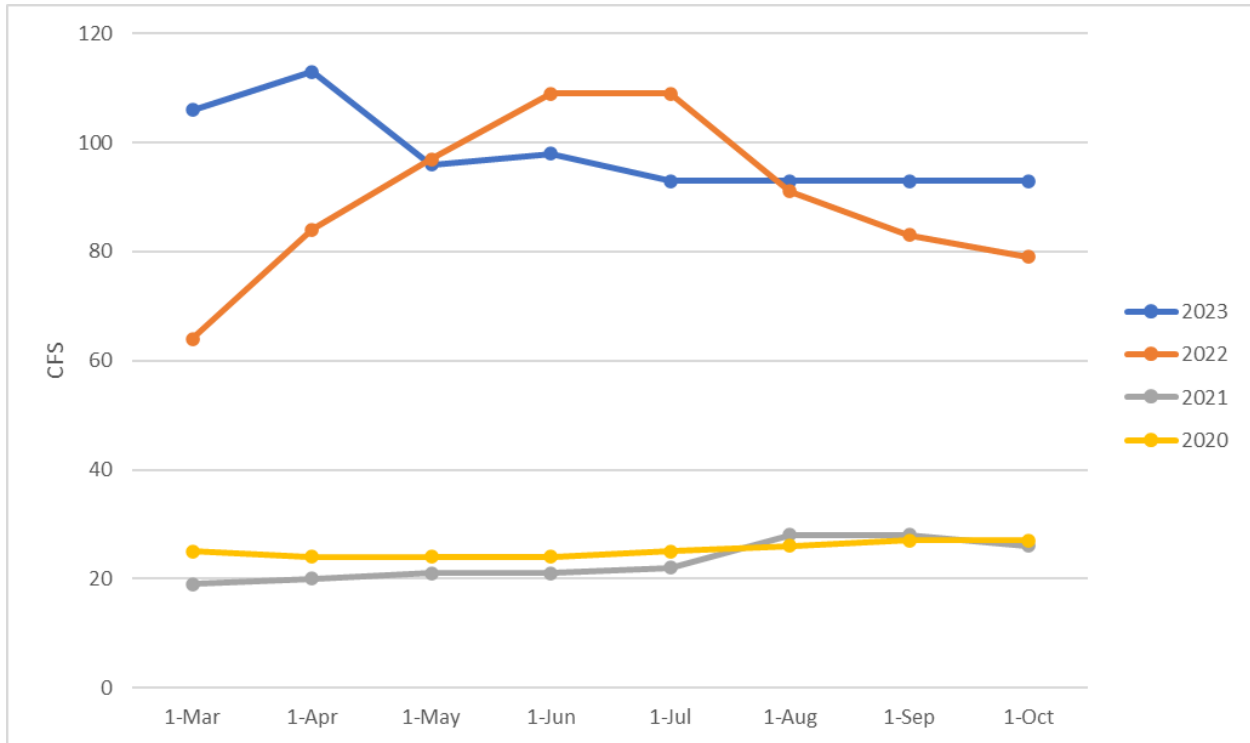
Note: These daily values were averaged from the gauge's 'Real Time' 15-minute interval data. The '0' represents known extremely high flows, overtopping the gauge sensor and reading as zeros. Values measured in CFS for the irrigation season from March 1<sup>st</sup>, 2023 to October 31<sup>st</sup>, 2023.

## Appendix B: Depth of the Meadow Channel Ditch on Willow Creek



**Note: Recorder was placed at the land intersection of the California Department of Fish and Wildlife and the Hanson ranch. A measure of depth is not a reflection of the flow of the system. All depth measurements are relative to a starting measurement on 7/11/2022, a negative value represents a depth below that reference measurement.**

### Appendix C: Susan River Flow Graph



**Note:** Data sourced from Department of Water Resources digital flow gauges, California Data Exchange Center (CDEC). Points represent average daily flows, connected by lines. Daily values were averaged from the gauge’s ‘Real Time’ 15-minute interval data.